

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

ACCESS 4 ALL, INC., a Florida not-for-profit
corporation, and FELIX ESPOSITO,
individually,

Plaintiffs,

CASE NO. 1:04-cv-12347-KPN

v.

DELANCEY CLINTON ASSOCIATES, L.P.,
a Pennsylvania Limited Partnership,

Defendant.

**PLAINTIFFS' AGREED MOTION FOR AN EXTENSION OF TIME
TO FILE APPLICATION FOR ATTORNEY FEES, COSTS AND LITIGATION
EXPENSES**

Plaintiffs, ACCESS 4 ALL, INC., a Florida not-for-profit corporation, and FELIX ESPOSITO, individually, for good cause, respectfully move for an extension of time to file their Application for Attorney Fees, Costs, Expert fees and Litigation Expenses, and state as follows.

1. On June 12, 2006, the parties submitted a Settlement Agreement in the instant action. Paragraph 5 of the Settlement Agreement set forth that the matter would be submitted to the Magistrate Judge for determination of reasonable attorney fees, costs, litigation expenses and expert fees.

2. By Order dated June 14, 2006, this Honorable Court entered the Final Order of Dismissal, approving the Settlement Agreement and retaining jurisdiction for determination of the amount of attorney fees, litigation expenses, expert fees and costs to be awarded to Plaintiffs.

3. Pursuant to Fed. R. Civ. Pro. 54 (d)(2)(B), Plaintiffs must file their application for fees no later than 14 days after the entry of judgment, or June 28, 2006.

4. The undersigned counsel, who will be responsible for preparation of the application, will be out of town on a pre-planned vacation the week of June 19-25, and must travel to Houston for a hearing on June 26. This will leave undersigned counsel with insufficient time to adequately prepare the application. Moreover, the Fourth of July holidays follow shortly thereafter. Accordingly, the undersigned requests an extension of time until July 12, 2006, to apply for fees, etc.

CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that counsel for the Defendant was contacted and agreed to Plaintiffs' request for an extension of time.

Respectfully submitted,

/s/John P. Fuller

John P. Fuller, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to Michael Colgan Harrington, Esq., MURTHA CULLINA, LLP, 185 Asylum Street, CityPlace I, Hartford, CT 06103, via facsimile to (860) 240-6150 on this 16th day of June, 2006.

/s/John P. Fuller

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_____ /

ORDER

This case came on for hearing on the Plaintiffs' Agreed Motion for an Extension of Time to July 12, 2006, to apply for attorney fees, costs, expert fees and litigation expenses, and the Court being fully advised of the premises thereon, and being otherwise advised, it is,

ORDERED and ADJUDGED:

1. Plaintiffs' Agreed Motion for an Extension of Time is **GRANTED**.
2. The Plaintiffs shall have until July 12, 2006, to apply for attorney fees, costs, expert fees and litigation expenses.

DONE AND ORDERED, this ____ day of _____, 2006, in _____,
Massachusetts.

United States Magistrate Judge